

105TH CONGRESS
2D SESSION

S. 2652

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the safety of exported pesticides, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 21 (legislative day, OCTOBER 2), 1998

Mr. LEAHY introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the safety of exported pesticides, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Circle of Poison Prevention Act of 1998”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EXPORTED PESTICIDES

Sec. 101. Definitions.

Sec. 102. Registration of establishments.

Sec. 103. Protection of trade secrets and other information.
 Sec. 104. Unlawful acts.
 Sec. 105. Imports and exports.
 Sec. 106. Health and environmental effects reports.
 Sec. 107. Conforming amendments to table of contents.

TITLE II—PESTICIDE RESIDUE MONITORING

Sec. 201. Data management.

TITLE III—PESTICIDE TOLERANCES

Sec. 301. Revocation of tolerances and practical testing methods.

TITLE IV—PESTICIDE INFORMATION

Sec. 401. Disclosure of pesticides in import documents.
 Sec. 402. Annual reports by agricultural attaches.

TITLE V—EFFECTIVE DATES

Sec. 501. Effective dates.

1 **TITLE I—EXPORTED PESTICIDES**

2 **SEC. 101. DEFINITIONS.**

3 (a) IN GENERAL.—Section 2 of the Federal Insecti-
 4 cide, Fungicide, and Rodenticide Act (7 U.S.C. 136) is
 5 amended by adding at the end the following new sub-
 6 section:

7 “(pp) COUNTRY OF USE.—The term ‘country of use’
 8 means any foreign country in which—

9 “(1) a pesticide is used;

10 “(2) a pesticide is intended by the exporter to
 11 be used or formulated; or

12 “(3) on the basis of information reasonably
 13 available to the exporter, the use or formulation of
 14 a pesticide being exported is foreseeable.”.

15 (b) MISBRANDED.—Section 2(q)(1) of such Act (7
 16 U.S.C. 136(q)(1) is amended—

1 (1) by striking “or” at the end of subparagraph
 2 (G);

3 (2) by striking the period at the end of sub-
 4 paragraph (H) and inserting “; or”; and

5 (3) by adding at the end the following new sub-
 6 paragraph:

7 “(I) in the case of a pesticide in-
 8 tended for export from the United
 9 States, the labeling does not meet the
 10 requirements of section 17(a).”.

11 **SEC. 102. REGISTRATION OF ESTABLISHMENTS.**

12 Paragraph (1) of section 7(c) of the Federal Insecti-
 13 cide, Fungicide, and Rodenticide Act (7 U.S.C. 136e(c))
 14 is amended to read as follows:

15 “(3) Any producer operating an establishment
 16 registered under this section shall inform the Admin-
 17 istrator within 30 days after the establishment is
 18 registered of—

19 “(A) the types and quantities of pesticides,
 20 and active ingredients used in producing pes-
 21 ticides, that are produced for export to a for-
 22 eign country; and

23 “(B) the date of export and quantity of
 24 pesticides and active ingredients exported to

1 each foreign country to which the producer has
2 exported during the past 365-day period.

3 The information required by this paragraph shall be
4 kept current and submitted to the Administrator an-
5 nually as required under such regulations as the Ad-
6 ministrator may prescribe.”.

7 **SEC. 103. PROTECTION OF TRADE SECRETS AND OTHER IN-**
8 **FORMATION.**

9 Section 10(d) of the Federal Insecticide, Fungicide,
10 and Rodenticide Act (7 U.S.C. 136h(d)) is amended by
11 adding at the end the following new paragraph:

12 “(4) Notwithstanding any other provision of
13 this Act, the information submitted to the Adminis-
14 trator under section 7(c)(3)(B), 17(a)(2), 17(a)(3),
15 17(a)(4), 17(a)(5), or 17(a)(6) shall not be treated
16 as confidential under subsection (b).”.

17 **SEC. 104. UNLAWFUL ACTS.**

18 Section 12(a)(2) of the Federal Insecticide, Fun-
19 gicide, and Rodenticide Act (7 U.S.C. 136j(a)(2)) is
20 amended—

21 (1) by striking “or” at the end of subparagraph
22 (R);

23 (2) by striking the period at the end of sub-
24 paragraph (S) and inserting “; or”; and

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(T) to export a pesticide or device in vio-
4 lation of section 17.”.

5 **SEC. 105. IMPORTS AND EXPORTS.**

6 (a) PESTICIDES AND DEVICES INTENDED FOR EX-
7 PORT.—Subsections (a) and (b) of section 17 of the Fed-
8 eral Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.
9 136o) are amended to read as follows:

10 “(a) PESTICIDES OR DEVICES INTENDED FOR EX-
11 PORT.—

12 “(1) GENERAL REQUIREMENTS.—

13 “(A) No pesticide or device may be ex-
14 ported to a foreign country unless—

15 “(i) the pesticide or device is prepared
16 and packaged according to the specifica-
17 tions of the foreign purchaser and the legal
18 requirements of the country of use and
19 complies with this section and sections
20 2(q), 7, 8, 19(a), and 19(e); and

21 “(ii) the label of the pesticide—

22 “(I) is written in an official lan-
23 guage of the country of use; and

24 “(II) to the extent not in conflict
25 with requirements of the country of

1 use, contains all health, safety, envi-
2 ronmental and other related informa-
3 tion required to be included under sec-
4 tion 3 in the labeling for the pesticide
5 for use in the United States.

6 “(B)(i) No person shall export to any
7 country of use a pesticide if—

8 “(I) the registrations for pesticides
9 containing an active ingredient that is in-
10 cluded in the pesticide to be exported and
11 that account for all or nearly all of the
12 uses of the active ingredient by volume in
13 the United States have been canceled;

14 “(II) the tolerances that have been es-
15 tablished under section 408 or 409 of the
16 Federal Food, Drug, and Cosmetic Act (21
17 U.S.C. 346a or 348) for an active ingredi-
18 ent of the pesticide to be exported and that
19 account for all or nearly all of the agricul-
20 tural uses of the ingredient have been re-
21 voked; or

22 “(III) the Administrator has deter-
23 mined that an active ingredient of the pes-
24 ticide is ineligible for reregistration pursu-
25 ant to section 4(g)(2)(C).

1 “(ii) No person shall export to any country
2 of use a pesticide unless—

3 “(I) the pesticide is registered with
4 the Administrator under section 3; or

5 “(II) all of the active ingredients in
6 the pesticide are the subject of a food tol-
7 erance established under section 408 or
8 409 of the Federal Food, Drug, and Cos-
9 metic Act.

10 “(iii) No person shall export to any coun-
11 try of use a pesticide if the pesticide is for use
12 in connection with agricultural production relat-
13 ed to food use unless—

14 “(I) the pesticide is registered under
15 section 3 with the Administrator for use in
16 connection with agricultural production re-
17 lated to food; or

18 “(II) the active ingredients of the pes-
19 ticide are the subject of a food tolerance
20 established under section 408 or 409 of the
21 Federal Food, Drug, and Cosmetic Act.

22 “(iv) A tolerance whose revocation or sus-
23 pension has been delayed pursuant to section
24 408(p) of the Federal Food, Drug, and Cos-

1 metetic Act shall be considered to have been re-
2 voked or suspended for purposes of this section.

3 “(v) Temporary tolerances established pur-
4 suant to section 408(j) of the Federal Food,
5 Drug, and Cosmetic Act, and tolerances set at
6 a zero level pursuant to section 408(b) of such
7 Act, shall have no effect for purposes of this
8 section.

9 “(C) A pesticide shall be considered to be
10 for use in conjunction with agricultural produc-
11 tion related to food use in a country of use, for
12 purposes of this section, if there is substantial
13 evidence that, in the country of use—

14 “(i) on the basis of the advertising,
15 promotion, packaging, distribution, label-
16 ing of the pesticide, or other cir-
17 cumstances, it is probable that the pes-
18 ticide may be used in connection with agri-
19 cultural production related to food use;

20 “(ii) patterns of pesticide marketing
21 or use indicate that it is probable that the
22 pesticide may be used in connection with
23 agricultural production related to food use;

1 “(iii) the pesticide is in use in connec-
2 tion with agricultural production related to
3 food use; or

4 “(iv) the quantity of the pesticide that
5 an exporter intends to export to a country
6 of use exceeds the quantity, on the basis of
7 expectations of use, that could be used in
8 the country of use for use other than in
9 connection with agricultural production re-
10 lated to food use.

11 “(2) ADDITIONAL REQUIREMENTS FOR THE EX-
12 PORT OF CERTAIN PESTICIDES.—

13 “(A) The export of the following pesticides
14 shall be subject to the additional requirements
15 set forth in this paragraph:

16 “(i) Pesticides for which a restricted
17 use classification is effective under section
18 3.

19 “(ii) Pesticides that are subject to an
20 order of suspension under section 6(c).

21 “(iii) Pesticides that are the subject of
22 a cancellation proceeding under section
23 6(b).

1 “(iv) Pesticides that are the subject of
2 a conditional registration under section
3 3(c)(7)(C).

4 “(v) Pesticides that are the subject of
5 an interim administrative review described
6 in section 3(c)(8).

7 “(vi) Pesticides that contain an active
8 ingredient that is included on the World
9 Health Organization list of Class 1A, ‘ex-
10 tremely hazardous’, or Class 1B, ‘highly
11 hazardous’, pesticides.

12 “(vii) Pesticides that contain an active
13 ingredient that was the subject of a reg-
14 istration under section 3 that was can-
15 celed, or was amended to delete a reg-
16 istered use.

17 “(viii) To the extent not in conflict
18 with requirements of the country of use,
19 the pesticide is not packaged, and stored,
20 in conformity with standards for composi-
21 tion and quality of the Food and Agri-
22 culture Organization of the United Na-
23 tions.

24 “(ix) Pesticides that contain an ingre-
25 dient that is the subject of an administra-

1 tive review by Administrator as to whether
2 the ingredient is inert, or that the Admin-
3 istrator has determined by rule are of toxi-
4 cological concern for purposes of this Act.

5 “(B)(i) Prior to shipment of a pesticide
6 that is subject to the requirements of this para-
7 graph, the exporter shall provide to the Admin-
8 istrator notice of shipment that identifies—

9 “(I) the common or trade names by
10 which the pesticide is known in the country
11 of use;

12 “(II) a complete chemical description
13 of the active ingredients of the pesticide,
14 including any commonly accepted, chemical
15 (generic), or abbreviated chemical name
16 known in the country of use for the active
17 ingredients;

18 “(III) the name and address of the
19 producer and exporter;

20 “(IV) the name and address of the
21 foreign purchaser;

22 “(V) the intended date and quantity
23 of shipment of the pesticide;

24 “(VI) a description of the manner of
25 transport of the shipment;

1 “(VII) the name of the country of use
2 that is the ultimate destination of the ship-
3 ment; and

4 “(VIII) the name of the raw agricul-
5 tural commodity (as defined in section
6 201(r) of the Federal Food, Drug, and
7 Cosmetic Act (21 U.S.C. 321(r)), or proc-
8 essed food, if any, on which the pesticide
9 is intended or likely to be used.

10 “(ii) For each pesticide identified in a no-
11 tice submitted under clause (i), if the notice is
12 the first such notice that identifies a country of
13 use for the pesticide that is received by the Ad-
14 ministrator during the 12-month period imme-
15 diately preceding the date of the receipt of the
16 notice, the Administrator shall, within 20 days
17 of the receipt of the notice submitted under
18 clause (i), notify the appropriate official in the
19 appropriate regulatory department or agency
20 designated by the country of use and the office
21 responsible for the International Register of Po-
22 tentially Toxic Chemicals of the intended ex-
23 port.

24 “(iii) The notice by the Administrator re-
25 quired under clause (ii) shall contain a descrip-

tion in English, and in an official language of
the country of use, of—

“(I) the information required by
clause (i);

“(II) if the pesticide is subject to a
conditional registration under section
3(c)(7)(C), an interim administrative re-
view or suspension or cancellation proceed-
ing, or is classified for restricted use under
this Act, a statement explaining the rea-
sons for that status;

“(III) alternatives known to the Ad-
ministrator, including nonchemical alter-
natives, to the use of the pesticide; and

“(IV) the name and address of the of-
fice of the Environmental Protection Agen-
cy that, on request of an appropriate offi-
cial of the country of use, will provide ad-
ditional information concerning the pes-
ticide and alternatives to the use of the
pesticide.

“(iv) The notice by the Administrator re-
quired under clause (ii) shall clearly inform its
recipient—

1 “(I) that, pursuant to paragraph (3),
2 the pesticide will not be exported to the
3 country of use if the country of use does
4 not consent to the export of the pesticide;

5 “(II) that the country of use may give
6 conditional consent to the export of the
7 pesticide, except that the conditions will
8 not be honored unless the country of use
9 informs the Administrator of the condi-
10 tions; and

11 “(III) of the manner in which the
12 country of use may inform the Adminis-
13 trator that it consents, does not consent,
14 or gives conditional consent.

15 “(3) EXPORTS NOT PERMITTED AS OFFENSIVE
16 TO THE PUBLIC POLICY OF THE COUNTRY OF
17 USE.—

18 “(A) If a country informs the Adminis-
19 trator, or an international agency of which the
20 United States is a member, that the country
21 does not consent or gives conditional consent to
22 the importation of a pesticide or class of pes-
23 ticides, the Administrator shall publish a notice
24 in the Federal Register that the Administrator
25 has been so informed, not later than 10 days

1 after the receipt by the Administrator of the in-
2 formation.

3 “(B) The Administrator shall publish such
4 a notice concerning a specific country of use—

5 “(i) in response to a communication
6 received from a country of use in response
7 to a notice issued by the Administrator in
8 accordance with paragraph (2)(B)(ii) that
9 informs the Administrator that the country
10 of use refuses to consent to the importa-
11 tion of the pesticide or gives conditional
12 consent, except that the failure of the
13 country of use to respond to the Adminis-
14 trator’s notice within 120 days of the date
15 on which the Administrator issues the no-
16 tice shall be considered a refusal of con-
17 sent; or

18 “(ii) in accordance with a treaty or
19 international agreement to which the
20 United States is a party; or

21 “(iii) in response to a communication
22 received by the Administrator from an ap-
23 propriate official of the country of use, in-
24 forming the Administrator that the coun-
25 try of use does not consent to the importa-

1 tion of the pesticide or that the country of
2 use gives conditional consent to the impor-
3 tation of the pesticide.

4 “(C) Subsequent to the publication of such
5 a notice—

6 “(i) no such pesticide may be exported
7 to a country of use that has refused con-
8 sent; and

9 “(ii) no such pesticide may be ex-
10 ported to a country of use that has given
11 conditional consent unless the conditions
12 on which the consent was given are met.

13 “(D) Any refusal of consent or conditional
14 consent by a country of use shall be considered
15 as continuing in nature and shall be effective
16 until modified or withdrawn by the country of
17 use.

18 “(E) A refusal by a country of use to con-
19 sent to the importation of a pesticide shall not
20 be effective unless the country of use certifies
21 to the Administrator that it—

22 “(i) is not producing and will not
23 produce the pesticide or a similar product
24 with the same active ingredient; and

1 “(ii) is not importing and will not
2 consent to the importation of the pesticide
3 or a similar product with the same active
4 ingredient from any other country.

5 “(F) If the Administrator makes a deter-
6 mination that a country of use is not in compli-
7 ance with the certification provided under sub-
8 paragraph (E), the Administrator shall prompt-
9 ly withdraw the notice published under subpara-
10 graph (A).

11 “(4) TEMPORARY WAIVER FOR CONTROL OF
12 COMMUNICABLE DISEASE.—On the request of the
13 government of a country of use, the Administrator
14 may issue a temporary waiver from any requirement
15 under paragraph (1), (2), or (3) to permit the export
16 to a country of use of a pesticide that does not oth-
17 erwise meet the requirements for export under para-
18 graph (1), (2), or (3) to prevent the imminent
19 spread or to arrest the spread of a communicable
20 disease of humans that poses a serious threat to
21 public health in the country of use, if—

22 “(A) based on the certification of the coun-
23 try of use and all other information available to
24 the Administrator, the Administrator makes a
25 determination that—

1 “(i) the pesticide is to be used on a
2 temporary basis for a period of time that
3 shall not exceed 180 days;

4 “(ii) there is no practical chemical or
5 nonchemical alternative to using the pes-
6 ticide to prevent the imminent spread or
7 arrest the spread of a communicable dis-
8 ease that poses a serious threat to the pub-
9 lic health in the country of use; and

10 “(iii) the pesticide will not be used as
11 part of a routine continuing pest control
12 program;

13 “(B) no quantity of the pesticide shall be
14 exported in excess of a quantity that the Ad-
15 ministrator, in consultation with the country of
16 use, determines to be necessary to accomplish
17 the purpose for the use of the pesticide under
18 this paragraph;

19 “(C) the exporter agrees to provide for the
20 return from the country of use any unused or
21 excess quantities of the pesticide at the time the
22 purpose for the use of pesticide under this
23 paragraph has been accomplished; and

24 “(D) the Administrator publishes a notice
25 in the Federal Register prior to the exportation

1 of the pesticide, or as soon thereafter as prac-
2 ticable, that includes—

3 “(i) the request made by the country
4 of use;

5 “(ii) the factual basis for any deter-
6 mination that the Administrator makes
7 under this paragraph;

8 “(iii) the identity of the exporter and
9 the country of use;

10 “(iv) the quantity and identity of the
11 pesticide (including a complete chemical
12 description of the active ingredient of the
13 pesticide that includes any commonly ac-
14 cepted chemical (generic) or abbreviated
15 chemical name of the active ingredient)
16 that the Administrator authorizes for ex-
17 port under this paragraph; and

18 “(v) the estimated dates of export for
19 the pesticide.

20 “(5) TEMPORARY WAIVER IN CIRCUMSTANCES
21 OF FAMINE.—On the request of the government of
22 the country of use, the Administrator may issue a
23 temporary waiver from any requirement under para-
24 graph (1), (2), or (3) to permit the export of a pes-
25 ticide that does not otherwise meet the requirements

1 for export under paragraph (1), (2), or (3) to stop
2 the spread or to prevent the imminent spread of a
3 pest that is destroying or will destroy sufficient
4 quantities of the food supply of the country of use
5 so as to result in widespread famine or human star-
6 vation in the country of use, if—

7 “(A) based on the certification of the coun-
8 try of use and all other information available to
9 the Administrator, the Administrator makes a
10 determination that—

11 “(i) the pesticide is to be used on a
12 temporary basis for a period of not to ex-
13 ceed 180 days;

14 “(ii) the pesticide will only be used to
15 stop the spread or to prevent the imminent
16 spread of a pest that is destroying or will
17 destroy sufficient quantities of the food
18 supply of the country of use so as to result
19 in widespread famine or human starvation
20 in the country of use;

21 “(iii) there is no practical chemical or
22 nonchemical alternative to the use of the
23 pesticide to stop the spread or to prevent
24 the imminent spread of the pest in the
25 country of use in time to prevent the de-

1 struction of such quantities of the food
2 supply of the country of use as to result in
3 human starvation in the country of use;

4 “(iv) the pesticide will not be used as
5 part of a routine; continuing pest control
6 program; and

7 “(v) based on information provided by
8 the country of use, food supplies that are
9 stored in the country of use, available for
10 purchase by the country of use, or are like-
11 ly to be made otherwise available to the
12 country of use, are not likely to be ade-
13 quate to prevent widespread famine or
14 human starvation caused by the pest in the
15 country of use;

16 “(B) no quantity of the pesticide shall be
17 exported in excess of a quantity that the Ad-
18 ministrators, in consultation with the country of
19 use, determines to be necessary to accomplish
20 the purpose for the use of the pesticide under
21 this paragraph;

22 “(C) the exporter agrees to provide for the
23 return from the country of use any unused or
24 excess quantities of the pesticide at the time the

1 purpose for the use of the pesticide under this
2 paragraph has been accomplished; and

3 “(D) the Administrator publishes a notice
4 in the Federal Register prior to the exportation
5 of the pesticide, or as soon thereafter as prac-
6 ticable, that includes—

7 “(i) the request made by the country
8 of use;

9 “(ii) the factual basis for any deter-
10 mination that the Administrator makes
11 under this paragraph;

12 “(iii) the identity of the exporter and
13 the country of use;

14 “(iv) the quantity and identity of the
15 pesticide (including a complete chemical
16 description of the active ingredient of the
17 pesticide that includes any commonly ac-
18 cepted chemical (generic), or abbreviated
19 chemical name of the active ingredient)
20 that the Administrator authorizes for ex-
21 port under this paragraph; and

22 “(v) the estimated dates of export for
23 the pesticide.

24 “(6) SPECIAL EXEMPTION FOR THE EXPORT OF
25 EXPERIMENTAL PESTICIDES.—

1 “(A) An exporter may export a pesticide
2 for experimental use in a country of use if—

3 “(i) the active ingredients of the pes-
4 ticides have not been and are not the sub-
5 ject of any registration under section 3;
6 and

7 “(ii) the pesticide is to be used only
8 for research or experimental purposes.

9 “(B) No pesticide subject to this act may
10 be exported for experimental use without the
11 written consent of the government of the coun-
12 try of use. The consent shall be obtained in the
13 manner prescribed in this paragraph.

14 “(C)(i) In order to obtain the written con-
15 sent of the government of country of use, the
16 exporter shall submit a written request for con-
17 sent to export the experimental pesticide to the
18 Administrator and to the government of the
19 country of use.

20 “(ii) The Administrator shall transmit to
21 the appropriate official in the appropriate agen-
22 cy responsible for the regulation of pesticides in
23 the country of use the written request, a sum-
24 mary of all available information relating to the
25 actual and potential adverse effects of the ex-

1 perimental pesticide on human health and the
2 environment prepared by the Administrator,
3 and a complete statement of the factual basis
4 for the issuance by the Administrator of an ex-
5 perimental use permit under section 5(a) for
6 the pesticide if the permit has been issued for
7 the pesticide.

8 “(iii) Not later than 60 days after the re-
9 ceipt of a request under clause (ii), the Admin-
10 istrator shall certify whether the request meets
11 the requirements of clause (iv).

12 “(iv) On receipt of a request for consent to
13 export an experimental pesticide, the Adminis-
14 trator shall publish in the Federal Register a
15 notice of the receipt of the response. The notice
16 shall identify the experimental pesticide, crop,
17 and target pest that is the subject of the re-
18 quest, the producer and exporter of the pes-
19 ticide, and the country of use to which the re-
20 quest for permission to export of the pesticide
21 was transmitted.

22 “(v) The written request transmitted by
23 the Administrator to the country of use shall be
24 subject to public review.

1 “(D) A written request for consent that is
2 submitted to the Administrator for transmittal
3 to the country of use, and submitted to the
4 country of use, shall identify the pesticide for
5 experimental use and the active ingredients of
6 the pesticide and include—

7 “(i) the name of the exporter;

8 “(ii) the trade names and chemical
9 names of the active ingredients of the pes-
10 ticide (including any commonly accepted,
11 generic, or abbreviated chemical names);

12 “(iii) a complete description of the
13 proposed experimental activity, including
14 the formulation of the pesticide, the appli-
15 cation rates and methods, the pests that
16 are sought to be controlled, the locations
17 where the experimental use will be made,
18 the size of the areas where the experi-
19 mental pesticide will be applied, the dates
20 on which the experiment will be conducted,
21 and the manner in which experimental
22 data will be collected and recorded;

23 “(iv) the name of the persons who
24 shall be responsible for the design and exe-
25 cution of the experiment and for the eval-

uation of the results of the experiment,
along with the qualifications of the persons;

“(v) the name, address, and qualifications of the person who will be the representative of the exporter in the country of use and, if different, the name, address, and qualifications of the person in the country of use who will supervise the experiment;

“(vi) the location and manner of storage of the pesticide in the country of use;

“(vii) the protection techniques, devices, and measures that will be provided to protect the health and safety of workers who will apply the pesticide and the health and safety of persons who live or work near the intended location of the experiment;

“(viii) a complete description of the results of all information known to the exporter of the toxic effects of the pesticide, including its effects on the pest that is to be controlled, its effects on plants and animals other than the pest that is likely to

1 be controlled (with special reference to
2 plant and animal species at and near the
3 intended location of the experiment, includ-
4 ing any crops or livestock to which the pes-
5 ticide may be applied), and its chronic and
6 acute effects on human health;

7 “(ix) a complete description of all in-
8 formation known by the exporter concern-
9 ing the environmental persistence and fate
10 of the pesticide, including the rate and
11 manner of its degradation, its retention
12 within plants and livestock, and its move-
13 ment within water supplies;

14 “(x) a written agreement by the ex-
15 porter to promptly advise the country of
16 use of any changes, revisions, or additions
17 in the facts, circumstances, and informa-
18 tion that relate to the disclosures and that
19 are required by this paragraph;

20 “(xi) a written certification by the ex-
21 porter that the pesticide will be used only
22 for experimental purposes, and will not be
23 used for any commercial purpose;

24 “(xii) a written agreement by the ex-
25 porter that the exporter will destroy any

1 crops or livestock to which the pesticide is
2 applied or that the crops or livestock will
3 be fed only to experimental animals that
4 will be destroyed and not used for food
5 purposes; and

6 “(xiii) such other disclosures as the
7 Administrator may by regulation require.

8 “(E) Before transmitting the written re-
9 quest to the country of use, the Administrator
10 may require that studies be conducted to deter-
11 mine whether the use of the pesticide under the
12 conditions of the experimental use may cause
13 unreasonable adverse effects on human health
14 or the environment. The Administrator may
15 also amend the request to limit the time during
16 which the pesticide may be exported or used, or
17 to limit the amount that may be exported.

18 “(F) On the request of the appropriate of-
19 ficial of the country of use, the Administrator
20 shall provide a copy of any records in the files
21 of the Administrator that are associated with
22 an application for an experimental use permit
23 pursuant to section 5(a).

24 “(G) The country of use may consent,
25 deny consent, or consent to the request on such

1 terms and conditions as the country of use de-
2 termines to be appropriate, and notify the Ad-
3 ministrator and exporter of the decision.

4 “(H) If the official of the country of use
5 sends to the Administrator a written notice of
6 consent to the use of the pesticide for research
7 or experimental use, the Administrator shall,
8 not later than 5 working days after receipt of
9 the notice, notify the exporter of the pesticide.

10 “(I) On receipt of the written notice of
11 consent from the Administrator or the country
12 of use, the exporter of the pesticide may export
13 the pesticide in accordance with—

14 “(i) the terms of the request submit-
15 ted under this paragraph;

16 “(ii) any terms or condition in the
17 written notice of consent issued by the offi-
18 cial of the country of use; and

19 “(iii) the requirements of this section.

20 “(J) If the exporter of the experimental
21 pesticide pursuant to written notice of consent
22 received by the exporter from the government of
23 the country of use, not from the Administrator,
24 the experimental pesticide may not be exported
25 until the exporter has transmitted to the Ad-

1 administrator a copy of the written notice of con-
2 sent.

3 “(K) The request for consent and the no-
4 tice of consent issued by the country of use
5 shall be subject to public review and inspection.

6 “(L) A producer or exporter of a pesticide
7 that exports a pesticide for research or experi-
8 mental use to a country of use pursuant to this
9 paragraph shall be subject to the requirements
10 of section 2(p), 2(q), 7, and 8.

11 “(7) COOPERATION AND COORDINATION WITH
12 FOOD INSPECTION SERVICES.—

13 “(A) The Administrator shall regularly
14 consult with the Secretary of Health and
15 Human Services concerning the inspection by
16 the Department of Health and Human Services
17 of imported food for pesticide residues.

18 “(B)(i) The Administrator shall regularly
19 prepare a compilation of the information sub-
20 mitted to the Administrator under this section,
21 and the information submitted under section
22 7(c)(1)(B), and shall provide the compilation to
23 the Secretary of Health and Human Services.

24 “(ii) The compilation shall—

1 “(I) be organized in a manner so as
 2 to provide the Secretary of Health and
 3 Human Services with information that will
 4 assist the Secretary in the inspection of
 5 imported food for pesticide residues;

6 “(II) be organized and presented in
 7 such a manner as to facilitate the incorpo-
 8 ration of the compilation into the data
 9 management system maintained by the
 10 Secretary pursuant to section 4702(a) of
 11 the Omnibus Trade and Competitiveness
 12 Act of 1988 (21 U.S.C. 1401(a)); and

13 “(III) include such additional infor-
 14 mation as the Administrator determines is
 15 useful to carry out this paragraph.

16 “(iii) The Administrator shall prepare the
 17 compilation as expeditiously as possible so as to
 18 provide the compilation to the Secretary of
 19 Health and Human Services and the Secretary
 20 of Agriculture in a timely manner and in no
 21 event less frequently than once each 6 months.

22 “(b) NOTICES OF REGULATORY EVENTS FURNISHED
 23 TO FOREIGN GOVERNMENTS.—

24 “(1) IN GENERAL.—The Administrator shall,
 25 not later than 30 days after the effective date of an

1 action described in this paragraph, transmit a notice
2 to the appropriate officials of the appropriate de-
3 partments or agencies of all countries, and to the of-
4 fice responsible for the International Register of Po-
5 tentially Toxic Chemicals. The Administrator shall
6 provide the notice each time—

7 “(A) a registration or a cancellation
8 (whether voluntary or involuntary) or suspen-
9 sion, due in whole or in part to human health
10 or environmental risks, of the registration of a
11 pesticide becomes effective or ceases to be effec-
12 tive under this Act;

13 “(B) a pesticide is first classified for re-
14 stricted use under this Act;

15 “(C) a registration of a pesticide is made
16 subject to conditions under section 3(c)(7)(C);

17 “(D) a pesticide is made subject to an in-
18 terim administrative review under section
19 3(c)(8); or

20 “(E) a pesticide is found to be ineligible
21 for reregistration pursuant to section
22 4(g)(2)(C).

23 “(2) CONTENTS OF NOTICE.—The notice de-
24 scribed in paragraph (1) shall include—

1 “(A) the factual basis on which the Admin-
2 istrator made any findings in support of the
3 regulatory action that is the subject of the no-
4 tice;

5 “(B) an explanation of the legal signifi-
6 cance of the regulatory action;

7 “(C) information available to the Adminis-
8 trator in the case of any action that causes a
9 pesticide to be subject to subsection (a)(2)—

10 “(i) concerning other pesticides reg-
11 istered under section 3 that could be used
12 as an alternative to the pesticide
13 including—

14 “(I) a complete summary of the
15 regulatory status under this Act of
16 any alternative pesticide; and

17 “(II) a summary of possible ad-
18 verse effects on human health or on
19 the environment that any alternative
20 pesticide may cause;

21 “(ii) nonchemical alternatives to the
22 pesticide;

23 “(iii) the names and addresses of gov-
24 ernmental and nongovernmental inter-
25 national organizations that the Adminis-

1 trator determines to be capable of provid-
 2 ing information concerning nonchemical al-
 3 ternatives to the pesticide; and

4 “(iv) the name and address of the of-
 5 fice of the Environmental Protection Agen-
 6 cy that will, on request, provide additional
 7 information concerning any pesticide that
 8 is subject to regulatory action, and alter-
 9 natives to the pesticide.”.

10 (b) COOPERATION IN INTERNATIONAL EFFORTS.—

11 Subsection (d) of section 17 of such Act is amended to
 12 read as follows:

13 “(d) COOPERATION IN INTERNATIONAL EFFORTS.—

14 The Administrator shall—

15 “(1) sponsor, in cooperation with the Agency
 16 for International Development of the Department of
 17 State, the Food and Drug Administration of the De-
 18 partment of Health and Human Services, the United
 19 States Department of Agriculture, the United Na-
 20 tions Environment Program and agencies, Food and
 21 Agriculture Organization, and any other appropriate
 22 Federal agencies or departments, not later than 1
 23 year after the date of the enactment of this sub-
 24 section, a meeting of representatives of foreign gov-
 25 ernments, nongovernmental organizations, and other

1 interested parties, and sponsor such additional meet-
2 ings, as the Administrator determines to be nec-
3 essary to promote the development and implementa-
4 tion of improved research and regulatory programs
5 for pest management, and improved strategies for
6 sustainable agriculture, including the promotion and
7 development of integrated pest management and
8 nonchemical alternatives;

9 “(2) to the fullest extent possible, provide for-
10 eign countries with technical assistance to develop
11 comprehensive pesticide regulatory programs; and

12 “(3) not later than 1 year after the date of en-
13 actment of this subsection, convene, a meeting of
14 representatives of foreign governments, nongovern-
15 mental organizations, and other interested parties,
16 and sponsor such other meetings as may be nec-
17 essary, to actively encourage the adoption of a bind-
18 ing multilateral convention requiring standard, man-
19 datory notice and export control measures for pes-
20 ticides.”.

21 (c) CITIZEN ASSISTANCE IN ENFORCEMENT; APPLI-
22 CATION OF SECTION.—Section 17 of such Act is
23 amended—

24 (1) by redesignating subsection (e) as sub-
25 section (g); and

1 (2) by inserting after subsection (d) the follow-
2 ing new subsection:

3 “(f) CITIZEN ASSISTANCE IN ENFORCEMENT.—

4 “(1) CIVIL ENFORCEMENT ACTIONS.—Any per-
5 son may bring a civil action in a United States dis-
6 trict court to secure the imposition of a civil penalty
7 by the court on any person who commits an unlaw-
8 ful act specified in section 12(a)(2)(T). Jurisdiction
9 and venue shall be proper in the judicial district in
10 which the unlawful act was committed, where the de-
11 fendant resides, or where the defendant has a regu-
12 larly established place of business. If the court finds
13 that an unlawful act has been committed, the court
14 shall impose a penalty on the person committing the
15 act in accordance with section 14(a). One half of the
16 penalty shall be for the use of the United States and
17 one half of the penalty shall be paid to the person
18 who brought the civil action. The court may also im-
19 pose, as a further penalty, the plaintiff’s costs in
20 bringing the civil action, including reasonable attor-
21 ney’s fees, expert witness fees, and expenses.

22 “(2) BAD FAITH ACTIONS.—If the court finds
23 that no unlawful act has been committed, that the
24 civil action was brought in bad faith, and that the
25 civil action was either brought without reasonable in-

1 quiry as to the facts concerning the alleged unlawful
2 act or was not warranted by existing law or by a
3 good faith argument for the extension, reversal, or
4 modification of an existing interpretation of law, the
5 court may impose a sanction on the person who
6 brought the civil action, and the attorneys of the
7 person, of not more than \$5,000 and may order
8 them to pay the reasonable costs of the party ac-
9 cused of committing the unlawful act, including rea-
10 sonable attorney's fees.

11 “(3) NOTICE REQUIRED.—No person may bring
12 a civil action under this subsection unless the person
13 informs the Administrator 60 days before filing a
14 complaint that a civil action will be brought and also
15 informs the Administrator of the complete factual
16 basis for bringing the civil action.

17 “(4) SAME UNLAWFUL ACTS.—No civil action
18 may be initiated pursuant to this subsection on the
19 basis of the same unlawful acts that form the basis
20 for proceedings that have already been initiated
21 under section 14(b) for a criminal violation of this
22 Act. If proceedings are initiated under section 14(b)
23 for a criminal violation of this Act on the basis of
24 the same unlawful acts that form the basis of a civil
25 action that has already been initiated pursuant to

1 this subsection, the civil action, to the extent that it
 2 is based on the same acts, shall be dismissed without
 3 costs to either party.

4 “(g) APPLICATION OF SECTION.—

5 “(1) IN GENERAL.—This section governs the
 6 export and import of all pesticides that are subject
 7 to this Act.

8 “(2) NO EXEMPTION.—This Act shall not be
 9 construed to exempt any pesticide or device that is
 10 subject to this Act from any requirement of this sec-
 11 tion, except in the case of a pesticide or device the
 12 domestic use of which is exempt from this Act pur-
 13 suant to section 25(b).”.

14 **SEC. 106. HEALTH AND ENVIRONMENTAL EFFECTS RE-**
 15 **PORTS.**

16 (a) IN GENERAL.—Not later than 1 year after the
 17 effective date of this Act, and each 4 years thereafter, the
 18 Comptroller General shall report to Congress on—

19 (1) the operation and effect of this Act (and the
 20 amendments made by this Act), including the ad-
 21 ministration of this Act (and such amendments);
 22 and

23 (2) how exported pesticides and their containers
 24 are used and disposed of, and their impact on the

1 public health and environment of the countries of
2 use.

3 (b) INFORMATION.—The Comptroller General shall
4 solicit information to carry out this section from knowl-
5 edgeable parties, including the governments of the coun-
6 tries of use, exporters and nongovernmental organizations.

7 **SEC. 107. CONFORMING AMENDMENTS TO TABLE OF CON-**
8 **TENTS.**

9 The table of contents in section 1(b) of the Federal
10 Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.
11 prec. 121) is amended—

12 (1) by adding at the end of the items relating
13 to section 2 the following new item:

14 “(hh) Country of use.”; and

15 (2) by striking the items relating to section 17
16 and inserting the following new items:

17 **“SEC. 17. IMPORTS AND EXPORTS.**

18 “(a) Pesticides or devices intended for export.

19 “(1) General requirements.

20 “(2) Additional requirements for the export of
21 certain pesticides.

22 “(3) Exports not permitted as offensive to the
23 public policy of the country of use.

24 “(4) Temporary waiver for control of commu-
25 nicable disease.

1 “(5) Temporary waiver in circumstances of
2 famine.

3 “(6) Special exemption for the export of experi-
4 mental pesticides.

5 “(7) Cooperation and coordination with food in-
6 spection services.

7 “(b) Notices of regulatory events furnished to foreign
8 governments.

9 “(1) In general.

10 “(2) Contents of notice.

11 “(c) Importation of pesticides and devices.

12 “(d) Cooperation in international efforts.

13 “(e) Citizen assistance in enforcement.

14 “(1) Civil enforcement actions.

15 “(2) Bad faith actions.

16 “(3) Notice required.

17 “(4) Same unlawful acts.

18 “(f) Application of section.

19 “(1) In general.

20 “(2) No exemption.

21 “(g) Regulations.”.

1 **TITLE II—PESTICIDE RESIDUE**
2 **MONITORING**

3 **SEC. 201. DATA MANAGEMENT.**

4 Subsection (c) of section 4702 of the Omnibus Trade
5 and Competitiveness Act of 1988 (21 U.S.C. 1401(c)) is
6 amended to read as follows:

7 “(c) VOLUME DATA.—The Food and Drug Adminis-
8 tration shall use the computerized data management sys-
9 tems placed into effect under subsection (a)(1) to summa-
10 rize the volume of each type of food product subject to
11 the requirements of the Federal Food, Drug, and Cos-
12 metic Act (21 U.S.C. 321 et seq.) that is imported into
13 the United States in quantities that are determined by the
14 Secretary of Health and Human Services to be commercial
15 quantities. The summary shall be made by food product,
16 country of origin, port of entry, pesticides for which the
17 Secretary routinely monitors, pesticide residues detected,
18 and the quantity of each pesticide exported from the
19 United States to the country of origin for agricultural use.
20 The summary shall also indicate the volume of each type
21 of food actually tested for pesticide residues, arranged by
22 pesticide, food, and country of origin. Information with re-
23 spect to volumes of food products and exported pesticides
24 to be included in this summary shall, to the extent fea-
25 sible, be obtained from other Federal agencies.”.

TITLE III—PESTICIDE TOLERANCES

SEC. 301. REVOCATION OF TOLERANCES AND PRACTICAL TESTING METHODS.

Section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) is amended by adding at the end the following new subsections:

“(p)(1)(A) If the Administrator, acting under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), with or without the consent of the registrant, either cancels the registration of each pesticide that contains a particular pesticide chemical and that is registered for use on a particular food, or requires that the registration of each such pesticide be modified to prohibit the use of the pesticide in connection with the production, storage, processing, or transportation of the food, the Administrator shall revoke any tolerance or exemption under this section or section 409 that permits the presence of the pesticide chemical, or any pesticide chemical that results from its use, in or on the food. The Administrator shall, not later than 30 days after the date on which this subparagraph initially applies to the pesticide chemical, publish a notice in the Federal Register issuing an order revoking any tolerance or exemption for the use estab-

1 lished under this section or section 409 for the pesticide
2 chemical in or on the food.

3 “(B) The effective date of a revocation described in
4 subparagraph (A) shall be 180 days after the date on
5 which subparagraph (A) initially applies to the pesticide
6 chemical.

7 “(C) The Administrator may delay the effective date
8 of a modification or revocation of a tolerance or exemption
9 from the requirement of a tolerance for a pesticide chemi-
10 cal residue in or on a food under this section or section
11 409 if the modification or revocation would require a lower
12 level of the pesticide chemical residue in or on the food
13 than the level in effect under the tolerance or exemption
14 immediately before the date the modification or revocation
15 would otherwise take effect.

16 “(D) The Administrator may delay the effective date,
17 to permit the tolerance or exemption to remain at the level
18 in effect immediately before the date the modification or
19 revocation would otherwise take effect, for the period of
20 time that the Administrator determines is necessary to
21 allow foods that could contain the pesticide chemical resi-
22 due as a result of lawful application of the pesticide chemi-
23 cal prior to the date the modification or revocation would
24 otherwise take effect to be sold to consumers in the course

1 of the usual practice for the production, processing, trans-
2 portation, storage, and distribution of that type of food.

3 “(E) The Administrator shall designate the delayed
4 effective date and describe the determinations supporting
5 the selection of the date in the order modifying or revoking
6 the tolerance or exemption.

7 “(F) Notwithstanding subparagraph (C) or (D), the
8 Administrator shall, in the order modifying or revoking
9 the tolerance or exemption, establish a shorter period of
10 time for delay of the effective date, or provide for no delay
11 of the effective date, for the modification or revocation,
12 if the Administrator determines that the shorter period,
13 or no delay of the effective date, is necessary to protect
14 the public health during the period of the delay that would
15 be required under subparagraph (C) or (D).

16 “(2)(A) If the Administrator, acting under the Fed-
17 eral Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.
18 136 et seq.), with or without the consent of the registrant,
19 suspends the use of each registered pesticide that contains
20 a particular pesticide chemical and that is labeled for use
21 on a particular food, due in whole or in part to dietary
22 risks to humans posed by residues of the pesticide chemi-
23 cal in or on the food, the Administrator shall suspend any
24 tolerance or exemption under this section or section 409
25 that allows the presence of the pesticide chemical, or any

1 pesticide chemical residue that results from its use, in or
2 on the food.

3 “(B) The suspension of a tolerance or exemption
4 under subparagraph (A) shall be effective as long as each
5 associated registration of a pesticide is suspended under
6 the Federal Insecticide, Fungicide, and Rodenticide Act
7 (7 U.S.C. 136 et seq.).

8 “(C) While a suspension of a tolerance or exemption
9 is in effect the tolerance or exemption shall not be consid-
10 ered to be in effect. If the suspension of the associated
11 registration of the pesticide under the Federal Insecticide,
12 Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) is
13 terminated, leaving the registration of the pesticide for the
14 use in effect under such Act, the Administrator shall re-
15 scind any associated suspension of a tolerance or exemp-
16 tion.

17 “(D) The effective date of a suspension described in
18 subparagraph (A) shall be 120 days after the date on
19 which the registration that is the subject of an order of
20 suspension or an order of emergency suspension initially
21 applies to the pesticide chemical.

22 “(E) The effective date of a suspension may be de-
23 layed in accordance with subparagraphs (C), (D), (E) and
24 (F) of paragraph (1).

1 “(3)(A) In connection with action taken under para-
2 graph (1)(A) or (2)(A) or taken with respect to pesticides
3 whose registrations were canceled prior to the effective
4 date of this section, if the Administrator determines that
5 a residue of the canceled or suspended pesticide chemical
6 will unavoidably persist in the environment and be present
7 in or on a food, the Administrator may establish a toler-
8 ance for the pesticide chemical residue at a level that per-
9 mits the unavoidable residue to remain in or on the food
10 and will protect the public health. In establishing such a
11 tolerance, the Administrator shall use the procedures set
12 forth in subsection (e).

13 “(B) Not later than 1 year after the date on which
14 action is taken under paragraph (1)(A) or (2)(A), and not
15 less than annually thereafter until the date on which the
16 revocation or suspension of the tolerance becomes effec-
17 tive, the Administrator shall reduce the tolerance for the
18 pesticide chemical residue under this section or section
19 409, if any decrease in residual environmental contamina-
20 tion by the pesticide chemical, or residues of the pesticide
21 chemical in or on lawfully treated food has occurred, based
22 on information reasonably available to the Administrator.

23 “(4) Review of a final order under this paragraph
24 shall be in accordance with subsection (i).

1 “(q)(1) The Administrator shall not establish a toler-
2 ance for a pesticide chemical residue, or allow such a toler-
3 ance to remain in effect, under this section or section 409
4 unless the Administrator determines, after consultation
5 with the Secretary, that—

6 “(A) there is a method for detecting and meas-
7 uring the levels of such pesticide chemical residue in
8 or on a food that will detect the residue at the level
9 established by the tolerance; and

10 “(b) such method is the best available, practical
11 method.

12 “(2) A method shall be considered practical for pur-
13 poses of paragraph (1)(B) if—

14 “(A) the method can be performed by the Sec-
15 retary on a routine basis as part of surveillance and
16 compliance sampling of foods for pesticide chemical
17 residues with the personnel, equipment, and other
18 resources available to the Secretary; and

19 “(B)(i) the method is a multi-residue method;
20 or

21 “(ii) no multi-residue method is available.”.

TITLE IV—PESTICIDE INFORMATION

SEC. 401. DISCLOSING OF PESTICIDES IN IMPORT DOCUMENTS

(a) RAW AGRICULTURAL COMMODITIES.—

“(1) IN GENERAL.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended—

“(A) by redesignating subsection (e) as subsection (f); and

“(B) by inserting after subsection (d) the following new subsection:

“(e)(1)(A) No raw agricultural commodity may be admitted into the customs territory of the United States (as defined in general note 2 of the Harmonized Tariff Schedules of the United States) unless the importer of the specified agricultural commodity files with the Secretary and the Secretary of the Treasury, in accordance with subparagraph (B), an import document that identifies each pesticide chemical known to be or customarily used on, or in connection with the production of, the raw agricultural commodity by any agricultural producer or group of agricultural producers of the raw agricultural commodity.

“(B) On or before the date on which the raw agricultural commodity is imported, the importer described in

1 subparagraph (A) shall file with the Secretary and the
2 Secretary of the Treasury the import document described
3 in subparagraph (A).

4 “(2)(A) Except as provided in subparagraph (C), if
5 the Secretary determines that a sample of the raw agricul-
6 tural commodity submitted as the food sample described
7 in subsection (a) contains a pesticide chemical that was
8 not reported in the import document described in para-
9 graph (1) (hereafter in this subsection referred to as the
10 ‘unreported pesticide chemical’), the Secretary shall, ex-
11 cept as provided in subparagraph (B), require that the im-
12 porter file with any import document for any subsequent
13 shipment of the raw agricultural commodity listed in the
14 import document for the shipment associated with the
15 sample—

16 “(i) the results of an analysis designed to detect
17 levels of residues of the unreported pesticide chemi-
18 cal; and

19 “(ii) the results of an analysis designed to de-
20 tect the levels of all residues of other pesticide
21 chemicals used on, or in connection with the produc-
22 tion of, the raw agricultural commodity, as deter-
23 mined by the Secretary.

24 “(B) The Secretary may waive the requirements of
25 clauses (i) and (ii) of subparagraph (A) after the importer

1 has demonstrated a clear pattern of consistent compliance
2 under subparagraph (A), as determined in regulations pre-
3 scribed by the Secretary. The regulations shall require
4 that the Secretary take into account whether the failure
5 of the importer to include an unreported pesticide chemi-
6 cal in an import document described in paragraph (1) is
7 the first such failure by the importer.

8 “(C) Subparagraph (A) shall not apply if the im-
9 porter described in subparagraph (A) demonstrates to the
10 satisfaction of the Secretary that—

11 “(i) the unreported pesticide chemical in or on
12 the raw agricultural commodity is attributable to the
13 long-term environmental persistence of the pesticide;
14 and

15 “(ii) the level of the residue of the pesticide
16 chemicals in or on the raw agricultural commodity
17 does not pose a risk to human health.

18 “(3) To the extent allowable by law, the Secretary
19 shall, on request by the appropriate official of a State
20 agency or department responsible for the monitoring of
21 raw agricultural commodities for residues of pesticide
22 chemicals in or on the commodities, provide to the official
23 any information obtained by the Secretary in the adminis-
24 tration of this subsection.”.

25 (2) CONFORMING AMENDMENTS.—

1 (A) Section 304(d)(1) of the Federal Food,
2 Drug, and Cosmetic Act (21 U.S.C. 334(d)(1))
3 is amended by striking “801(d)” each place the
4 term appears and inserting “801(f)”.

5 (B) Section 802 of the Federal Food,
6 Drug, and Cosmetic Act (21 U.S.C. 382) is
7 amended—

8 (i) in subsection (b)(1)(G), by striking
9 “801(d)” and inserting “801(f)”; and

10 (ii) in subsection (f)(1)(E), by striking
11 “801(d)” and inserting “801(f)”.

12 (b) MEAT.—Section 20 of the Federal Meat Inspec-
13 tion Act (21 U.S.C. 620) is amended by adding at the
14 end the following new subsection:

15 “(i)(1)(A) No meat may be admitted into the customs
16 territory of the United States (as defined in general note
17 2 of the Harmonized Tariff Schedule of the United States)
18 unless the importer of the meat files with the Secretary
19 and the Secretary of the Treasury, in accordance with sub-
20 paragraph (B), an import document that identifies each
21 pesticide chemical known to be or customarily used on,
22 or in connection with the production of, the meat by any
23 agricultural producer or group of agricultural producers
24 of the meat.

1 “(B) On or before the date on which the product is
2 imported, the importer described in subparagraph (A)
3 shall file with the Secretary and the Secretary of the
4 Treasury the import document described in subparagraph
5 (A).

6 “(2)(A) Except as provided in subparagraph (C), if
7 the Secretary determines that a sample of the meat sub-
8 mitted under subsection (f) contains a pesticide chemical
9 that was not reported in the import document described
10 in paragraph (1) (hereafter in this paragraph referred to
11 as the ‘unreported pesticide chemical’), the Secretary
12 shall, except as provided in subparagraph (B), require that
13 the importer file with any import document for any subse-
14 quent shipment of the product listed in the import docu-
15 ment for the shipment associated with the sample—

16 “(i) the results of an analysis designed to detect
17 levels of residues of the unreported pesticide chemi-
18 cal; and

19 “(ii) the results of an analysis designed to de-
20 tect the levels of all residues of other pesticide
21 chemicals used on, or in connection with the produc-
22 tion of, the meat, as determined by the Secretary.

23 “(B) The Secretary may waive the requirements of
24 clauses (i) and (ii) of subparagraph (A) after the importer
25 has demonstrated a clear pattern of consistent compliance

1 under subparagraph (A), as determined in regulations pre-
2 scribed by the Secretary. The regulations shall require
3 that the Secretary take into account whether the failure
4 of the importer to include an unreported pesticide chemi-
5 cal in an import document described in paragraph (1) is
6 the first such failure by the importer.

7 “(C) Subparagraph (A) shall not apply if the im-
8 porter described in subparagraph (A) demonstrates to the
9 satisfaction of the Secretary that—

10 “(i) the unreported pesticide chemical in or on
11 the meat is attributable to the long-term environ-
12 mental persistence of the pesticide; and

13 “(ii) the level of the residue of the pesticide
14 chemicals in or on the meat does not pose a risk to
15 human health.

16 “(3) To the extent allowable by law, the Secretary
17 shall, on request by the appropriate official of a State
18 agency or department responsible for the monitoring of
19 food for residues of pesticide chemicals in or on the food,
20 provide to the official any information obtained by the Sec-
21 retary in the administration of this subsection.”.

22 (c) POULTRY.—Section 17 of the Poultry Products
23 Inspection Act (21 U.S.C. 466) is amended by adding at
24 the end the following new subsection:

1 “(e)(1)(A) No imported poultry described in sub-
2 section (d) may be admitted into the customs territory of
3 the United States (as defined in general note 2 of the Har-
4 monized Tariff Schedule of the United States) unless the
5 importer of the poultry files with the Secretary and the
6 Secretary of the Treasury, in accordance with subpara-
7 graph (B), an import document that identifies each pes-
8 ticide chemical known to be or customarily used on, or
9 in connection with the production of, the poultry by any
10 agricultural producer or group of agricultural producers
11 of the poultry.

12 “(B) On or before the date on which the poultry is
13 imported, the importer described in subparagraph (A)
14 shall file with the Secretary and the Secretary of the
15 Treasury the import document described in subparagraph
16 (A).

17 “(2)(A) Except as provided in subparagraph (C), if
18 the Secretary determines that a sample of the poultry sub-
19 mitted under subsection (d) contains a pesticide chemical
20 that was not reported in the import document described
21 in paragraph (1) (hereafter in this paragraph referred to
22 as the ‘unreported pesticide chemical’), the Secretary
23 shall, except as provided in subparagraph (B), require that
24 the importer file with any import document for any subse-

1 quent shipment of the poultry listed in the import docu-
2 ment for the shipment associated with the sample—

3 “(i) the results of an analysis designed to detect
4 levels of residues of the unreported pesticide chemi-
5 cal; and

6 “(ii) the results of an analysis designed to de-
7 tect the levels of all residues of other pesticide
8 chemicals used on, or in connection with the produc-
9 tion of, the poultry, as determined by the Secretary.

10 “(B) The Secretary may waive the requirements of
11 clauses (i) and (ii) of subparagraph (A) after the importer
12 has demonstrated a clear pattern of consistent compliance
13 under subparagraph (A), as determined in regulations pre-
14 scribed by the Secretary. The regulations shall require
15 that the Secretary take into account whether the failure
16 of the importer to include an unreported pesticide chemi-
17 cal in an import document described in paragraph (1) is
18 the first such failure by the importer.

19 “(C) Subparagraph (A) shall not apply if the im-
20 porter described in subparagraph (A) demonstrates to the
21 satisfaction of the Secretary that—

22 “(i) the unreported pesticide chemical in or on
23 the poultry is attributable to the long-term environ-
24 mental persistence of the pesticide; and

1 “(ii) the level of the residue of the pesticide
2 chemicals in or on the poultry does not pose a risk
3 to human health.

4 “(3) To the extent allowable by law, the Secretary
5 shall, on request by the appropriate official of a State
6 agency or department responsible for the monitoring of
7 food for residues of pesticide chemicals in or on the food,
8 provide to the official any information obtained by the Sec-
9 retary in the administration of the subsection.”.

10 (d) EGGS.—Section 17 of the Egg Products Inspec-
11 tion Act (21 U.S.C. 1046) is amended by adding at the
12 end the following new subsection:

13 “(e)(1)(A) No imported egg or egg product described
14 in subsection (a) may be admitted into the customs terri-
15 tory of the United States (as defined in general note 2
16 of the Harmonized Tariff Schedule of the United States)
17 unless the importer of the egg or egg product files with
18 the Secretary and the Secretary of the Treasury, in ac-
19 cordance with subparagraph (B), an import document that
20 identifies each pesticide chemical known to be or cus-
21 tomarily used on, or in connection with the production of,
22 the egg or egg product by any agricultural producer or
23 group agricultural producers of the egg or egg product.

24 “(B) On or before the date on which the egg or egg
25 product is imported, the importer described in subpara-

1 graph (A) shall file with the Secretary and the Secretary
2 of the Treasury the import document described in sub-
3 paragraph (A).

4 “(2)(A) Except as provided in subparagraph (C), if
5 the Secretary determines that a sample of the egg or egg
6 product submitted under subsection (a) contains a pes-
7 ticide chemical that was not reported in the import docu-
8 ment described in paragraph (1) (hereafter in this para-
9 graph referred to as the ‘unreported pesticide chemical’),
10 the Secretary shall, except as provided in subparagraph
11 (B), require that the importer file with any import docu-
12 ment for any subsequent shipment of the egg or egg prod-
13 uct listed in the import document for the shipment associ-
14 ated with the sample—

15 “(i) the results of an analysis designed to detect
16 levels of residues of the unreported pesticide chemi-
17 cal; and

18 “(ii) the results of an analysis designed to de-
19 tect the levels of all residues of other pesticide
20 chemicals used on, or in connection with the produc-
21 tion of, the egg or egg product, as determined by the
22 Secretary.

23 “(B) The Secretary may waive the requirements of
24 clauses (i) and (ii) of subparagraph (A) after the importer
25 has demonstrated a clear pattern of consistent compliance

1 under subparagraph (A), as determined in regulations pre-
 2 scribed by the Secretary. The regulations shall require
 3 that the Secretary take into account whether the failure
 4 of the importer to include an unreported pesticide chemi-
 5 cal in an import document described in paragraph (1) is
 6 the first such failure by the importer.

7 “(C) Subparagraph (A) shall not apply if the im-
 8 porter described in subparagraph (A) demonstrates to the
 9 satisfaction of the Secretary that—

10 “(i) the unreported pesticide chemical in or on
 11 the egg or egg product is attributable to the long-
 12 term environmental persistence of the pesticide; and

13 “(ii) the level of the residue of the pesticide
 14 chemicals in or on the egg or egg product do not
 15 pose a risk to human health.

16 “(3) To the extent allowable by law, the Secretary
 17 shall, on request by the appropriate official of a State
 18 agency or department responsible for the monitoring of
 19 food for residues of pesticide chemicals in or on the food,
 20 provide to the official any information obtained by the Sec-
 21 retary in the administration of this subsection.”.

22 **SEC. 402. ANNUAL REPORTS BY AGRICULTURAL ATTACHES.**

23 Section 108 of the Agricultural Act of 1954 (7 U.S.C.
 24 1748) (as added by section 1532 of the Food, Agriculture,

1 Conservation, and Trade Act of 1990 (Public Law 101–
2 624)) is amended—

3 (1) In subsection (a)(1)—

4 (A) by striking “and” at the end of sub-
5 paragraph (B); and

6 (B) by adding after subparagraph (C) the
7 following new subparagraph:

8 “(D) the customary use of the pesticides in
9 the production of agricultural commodities in
10 such countries, except that—

11 “(i) a priority shall be placed on gath-
12 ering information on agricultural commod-
13 ities that the country exports to the United
14 States; and

15 “(ii) to the extent practicable, gather
16 information on agricultural commodities
17 that the country may export to the United
18 States via a third country; and”; and

19 (2) in subsection (b)—

20 (A) by striking “and” at the end of para-
21 graph (3);

22 (B) by striking the period at the end of
23 paragraph (4) and inserting “; and ”; and

24 (C) by adding at the end thereof the fol-
25 lowing new paragraph:

1 “(5) annually provide the information in reports
2 prepared under subsection (a)(1)(D) to the Sec-
3 retary of Health and Human Services and the Sec-
4 retary of the Treasury.”.

5 **TITLE V—EFFECTIVE DATES**

6 **SEC. 501. EFFECTIVE DATES.**

7 (a) IN GENERAL.—Except as otherwise provided in
8 this section, this Act and the amendments made by this
9 Act shall become effective on the date of enactment of this
10 Act.

11 (b) IMPORTS AND EXPORTS.—The amendments
12 made by section 105 shall become effective 180 days after
13 the date of enactment of this Act.

14 (c) PESTICIDE RESIDUE MONITORING.—The amend-
15 ment made by title II shall become effective 1 year after
16 the date of enactment of this Act.

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